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INTELLECTUAL PROPERTY LAW

To:	U.S. Patent & Trademark Office	From:	Ronald E. Smith
Attn:	David J. McCrosky - Art Unit 3736	Client:	1139.16
Fax:	(703) 872-9302	Pages:	21 including coversheet
Phone:	(703) 305-1331	Date:	February 16, 2004
Re:	USPN 09/683,454	CC:	John S. Fisher / Frederick Ahari
<input type="checkbox"/> Urgent <input checked="" type="checkbox"/> For Review <input type="checkbox"/> Please Comment <input type="checkbox"/> Please Reply <input type="checkbox"/> Please Recycle			

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/683,454 Confirmation No. 6289
Applicants: : John S. Fisher et al.
Filed: : 01/02/2002
Art Unit : 3736
Examiner : David J. McCrosky
Docket No. : 1139.16
Customer No. : 21901
For : Biopsy Needle Having Rotating Core for Shearing Tissue

Faxed to Technology Center 3700 at (703) 872-9302
Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is an independent inventor. A statement was already filed.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

CERTIFICATE OF FACSIMILE TRANSMISSION
(37 C.F.R. 1.8 (a))

I HEREBY CERTIFY that this Amendment A, including Introductory Comments, Amendments to the Specification, Amendments to the Claims, and Remarks, is being transmitted by facsimile to the United States Patent and Trademark Office, Art Unit 3736, Attn: Mr. David J. McCrosky, (703) 872-9302 on February 16, 2004.

Dated: February 16, 2004


Deborah Preza

(Amendment Transmittal)—page 1)

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col.1)		(Col.2)	(Col.3)	SMALL ENTITY	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee
Total	11	Minus	32	= 0	x \$9 =	\$0
Indep.	2	Minus	5	= 0	x \$43 =	\$0
First Presentation of Multiple Dependent Claim					+ \$145 =	\$0
Total						Addit. Fee \$0

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3,
 - ** If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 1) is less than 20, enter "20".
 - *** If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 2) is less than 3, enter "3".
- The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

No additional fee for claims is required.

Very respectfully,

SIGNATURE OF PRACTITIONER

Reg. No. 28,761
Tel. No.: (727) 507-8558

Ronald E. Smith
Smith & Hopen, P.A.
15950 Bay Vista Drive, Ste. 220
Clearwater, FL 33760

(Amendment Transmittal—page 2)

6/A
DL

2-1904

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Serial No. : 09/683,454 Confirmation No. 6289
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Alexandria, VA 22313-1450

Dear Sir:

AMENDMENT A**Introductory Comments**

In response to the non-final Examiner's Action mailed November 21, 2003, having a shortened statutory period for response set to expire February 21, 2004, the above-identified patent application is amended a first time as follows:

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims that begins on page 3 of this paper.

Remarks begin on page 11 of this paper.